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MAISHA EMMANUEL, ON BEHALF OF)	
HERSELF AND ALL OTHERS)	
SIMILARLY SITUATED,)	
)	
PLAINTIFF,)	CIVIL ACTION NO. 1:15-CV-12914
)	
v.)	
)	
HANDY TECHNOLOGIES, INC.,)	
)	
DEFENDANT.)	
)	

Defendant objects to Plaintiff's Notice of Supplemental Authority ("Notice"), since Plaintiff uses the Notice, not to inform the Court of a recent decision as would be appropriate, but instead to improperly re-argue the merits of her case. To the extent that the Court intends to consider Plaintiff's Notice, the District of Wisconsin case that Plaintiff cites, *Lewis v. Epic Systems Corp.*, C.A. No. 15-cv-00082 (W.D. Wis. Sept. 14, 2015), appears to reflect one judge's preferred result. As such, it is not binding on this Court and should not be afforded any persuasive power here given that it goes against the overwhelming weight of authority, including multiple decisions from the United States Circuit Courts of Appeal. *See, e.g., D.R. Horton, Inc.*, 37 F.3d 344, 357, 360-361 (5th Cir. 2013); *Richards v. Ernst & Young, LLP*, 734 F.3d 871, 873-74, *opinion amended and superseded by* 744 F.3d 1072 (9th Cir. 2013); *Sutherland v. Ernst & Young LLP*, 726 F.3d 290, 297-98 n. 8 (2nd Cir. 2013); *Owen v. Bristol Care, Inc.*, 702 F.3d 1050, 1054-555 (8th Cir. 2013); *see also, Levison v. MasTec, Inc.*, No. 8:15-CV-1547-T26AEP,

2015 WL 5021645, at *2 (M.D. Fla. Aug. 25, 2015) (confirming that Eleventh Circuit has not adopted reasoning in *D.R. Horton*).

Respectfully submitted,

HANDY TECHNOLOGIES, INC.

By its attorneys,

/s/ Michael Mankes

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September 25, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September, 2015, a true and accurate copy of this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and sent via first class mail to unregistered participants.

/s/ Michael Mankes

Michael Mankes